

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT GREENEVILLE**

Miguel Angel Cristobal Lopez, et. al.

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Plaintiffs,

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Vs.

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No. 2:11-cv-113

)

Jimmy Carroll Fish d/b/a Fish Farms,
et. al.

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Defendants.

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**JOINT MOTION FOR REVIEW AND APPROVAL OF SETTLEMENT AGREEMENT
AND ENTRY OF STIPULATED JUDGMENT**

The parties, Plaintiffs, Miguel Angel Cristobal Lopez, Magdaleno Lorenzo Roman Perez, Octavio Carlos Baro Romero, Arturo Baro Romero, Roberto Calvo Rosales, Mauro Ferrer Santiago, Abraham Ocampo Bahena, Vicente Pedraza Reza, Luis Roberto Rogel Hernandez, Ismael Ruiz Zeferino, Giovanni Sanchez Hernandez, Miguel Angel Sierra Everlastico, Guillermo Ruiz Zeferino, Juan Calderon-Langunas, and Defendants, Jimmy Carroll Fish, Walter Jackson Fish and Christine Fish Gilliam ("Fish Farms"), by and through counsel, jointly move this Honorable Court for review and approval of a Settlement Agreement and Release of All Claims resolving all issues among the parties and for the subsequent entry of a Stipulated Judgment. For cause, the parties state:

1. The Plaintiffs filed this suit alleging five separate and distinct claims under two separate federal statutes - - the Fair Labor Standards Act ("FLSA") and 42 U.S.C. §1981--two separate Tennessee statutes - - the Tennessee Public Protection Act ("TPPA") and the Tennessee

Human Rights Act (“THRA”) and one common-law claim for breach of contract.

2. This Honorable Court has dismissed the claims of former plaintiff Francisco Javier Rogel Bedolla against Fish Farms with full and final prejudice to the re-filing of the same, and he no longer is a party to the Lawsuit.

3. The parties have reached a Settlement Agreement and Release of All Claims resolving all claims. The Settlement Agreement and Release of All Claims entered into among the plaintiffs and Fish Farms is attached hereto as *Exhibit A*.

4. In the matter before the Court, there exist *bona fide* disputes as to all of Plaintiffs’ claims under the FLSA; 42 U.S.C. §1981; the TPPA; the THRA; and the common-law breach of contract claim. Particularly, with respect to the claim under FLSA, the *bona fide* disputes include the amount of any alleged back pay and liquidated damages. The proposed settlement agreement represents a fair and reasonable resolution of all claims, not just those brought pursuant to the FLSA.

5. Plaintiffs brought this suit in their own right and not on behalf of a class or on behalf of other similarly situated individuals. They represent to the Court that they are satisfied with the Settlement Agreement.

WHEREFORE, the parties respectfully request that the Court grant review of the Settlement Agreement and Release of All Claims agreed to by the parties and approve same.

The parties further request that upon approval of the Settlement Agreement, the Stipulated Judgment Approving Settlement Agreement presented by the parties and attached hereto as *Exhibit B* be entered by the Court.

Respectfully submitted,

ARNETT, DRAPER & HAGOOD

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on March 1, 2013, a true and exact copy of this pleading or document has been filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt.

ARNETT, DRAPER & HAGOOD

By: s/Jay M. Mader